

**BOARD OF SUPERVISORS**

**MINUTES**

**December 14, 2005**

**Supervisors in Attendance:**

Mr. Edward B. Barber, Chairman  
Mr. R. M. "Dickie" King, Jr.,  
Vice Chairman  
Mrs. Renny Bush Humphrey  
Mr. Kelly E. Miller  
Mr. Arthur S. Warren  
  
Mr. Lane B. Ramsey  
County Administrator

**Staff in Attendance:**

Colonel Carl R. Baker,  
Police Department  
Mr. George Braunstein,  
Exec. Dir., Community  
Services Board  
Mr. Kevin Bruny, Dean  
Chesterfield University  
Mr. D. Joe Campbell, Dir.,  
Juvenile Detention Home  
Dr. Billy Cannaday, Jr.  
Supt., School Board  
Ms. Marilyn Cole, Asst.  
County Administrator  
Mr. Richard Cordle,  
Treasurer  
Mr. Roy Covington,  
Asst. Dir., Utilities  
Ms. Mary Ann Curtin, Dir.,  
Intergovernmental Rel.  
Mr. Jonathan Davis,  
Real Estate Assessor  
Ms. Rebecca Dickson, Dir.,  
Budget and Management  
Mr. James Dunn, Int. Dir.,  
Economic Development  
Mr. William Dupler,  
Building Official  
Mr. Robert Eanes, Asst. to  
the County Administrator  
Ms. Lisa Elko, CMC,  
Clerk  
Ms. Karla Gerner, Dir.,  
Human Resource Mgmt.  
Mr. Michael Golden, Dir.,  
Parks and Recreation  
Mr. Bradford S. Hammer,  
Deputy Co. Admin.,  
Human Services  
Mr. John Harmon,  
Right-of-Way Manager  
Mr. Russell Harris, Mgr.  
of Community Development  
Services  
Mr. Thomas E. Jacobson,  
Dir. of Revitalization  
Mr. Rob Key, Asst. Dir.,  
General Services  
Mr. Louis Lassiter, Dir.,  
Internal Audit  
Ms. Mary Lou Lyle, Dir.,  
Accounting  
Chief Paul Mauger,  
Fire and EMS Dept.

Mr. R. John McCracken,  
Dir., Transportation  
Mr. Richard M. McElfish,  
Dir., Env. Engineering  
Mr. Steven L. Micas,  
County Attorney  
Mr. Bill Russell,  
Acting Director,  
Information Systems Tech.  
Ms. Karen Russell, Dir.,  
Risk Management  
Mr. James J. L. Stegmaier,  
Deputy Co. Admin.,  
Management Services  
Mr. M. D. Stith, Jr.,  
Deputy Co. Admin.,  
Community Development  
Mr. Kirk Turner, Dir.,  
Planning  
Sheriff Clarence Williams,  
Sheriff's Department

Mr. Barber called the regularly scheduled meeting to order at 3:41 p.m.

**1. APPROVAL OF MINUTES FOR NOVEMBER 22, 2005**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the minutes of November 22, 2005, as submitted.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**2. COUNTY ADMINISTRATOR'S COMMENTS**

Mr. Ramsey introduced Mr. Jeffrey Mincks, Deputy County Attorney, who led a choir of county employees in several musical selections.

**3. BOARD COMMITTEE REPORTS**

Mr. Barber attended a Christmas Mother activity at the Fairgrounds. He commended the Christmas Mother Program for the support they provide the community and community members for making the Christmas Mother program a success.

Mr. King attended several events with dignitaries from Gravesham, England. He spoke of the historical connection between Chesterfield County and Gravesham and is pleased that the county is twinning with Gravesham. Mr. Barber stated that the twinning visit was a positive cultural experience.

Mr. King expressed his appreciation to those serving our country in Iraq. He asked that we continue to think of those serving as well as their family members during the holiday season.

#### **4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION**

On motion of Mr. Miller, seconded by Mr. King, the Board replaced Item 8.B.12., Purchase of a Parcel of Land from Randolph and Julia Campbell; added Item 8.B.15.a., Acceptance of a Parcel of Land Adjacent to Meadowville Technology Park; added Item 8.B.15.b., Acceptance of Parcels of Land for Meadowville Technology Park; added Item 8.B.16., Approval of Amendment Number Two to Chesterfield County Retirement Plan; added Item 8.B.17., Amend the Parcel Listing for the Board of Supervisors Initiated Rezoning of the 288 Corridor Included in the Agenda Item of May 25, 2005 and the Subsequent Items on August 24, 2005, October 26, 2005, and November 22, 2005; and moved Item 16.B., Resolution Recognizing Hang Time Participants for Their Area Beautification Efforts to be heard after Item 16.C., Resolution Recognizing Mr. C. Richard Scales for His Service on the Community Services Board; and adopted the Agenda, as amended.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

#### **5. RESOLUTIONS AND SPECIAL RECOGNITIONS**

##### **5.A. RECOGNIZING COUNTY EMPLOYEES WHO ASSISTED HURRICANE KATRINA VICTIMS**

Ms. Lynda Price introduced the county employees who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, America watched nervously as Tropical Storm Katrina grew in severity from a tropical storm to a hurricane on August 25, 2005; and

WHEREAS, Hurricane Katrina quickly gathered strength, becoming a Category 5 hurricane on August 28, 2005; and

WHEREAS, downgraded slightly, but still a dangerous and very large Category 4 hurricane, Hurricane Katrina struck New Orleans, Louisiana on August 29, 2005, causing widespread flooding and displacing hundreds of thousands of residents; and

WHEREAS, the scope of devastation from the hurricane was unprecedented in U. S. history, and overwhelmed local and state agencies, necessitating federal assistance; and

WHEREAS, the need for volunteers was immediate and continues to this date, as the region strives to recover and to be able to provide essential services such as water, electricity, housing and other basic needs; and

WHEREAS, a group of volunteer Chesterfield County employees deployed to Louisiana on September 14, 2005 to assist the city of Baton Rouge, and subsequently St. Bernard Parish, by providing a mobile command post, Internet and mapping capabilities, cataloguing of digital photographs and providing fax and satellite telephone capabilities, developing daily incident action plans, providing command and control support, assisting in setting up an operational

response plan, assisting in providing logistical support for fire personnel and mutual aid resources and maintaining liaison with the parish emergency operations center and military personnel operating in the parish; and

WHEREAS, these volunteers included Fire and Emergency Medical Services personnel Deputy Chief Frank Edwards, Battalion Chief Bobby Lukhard, Battalion Chief Lee Williams, Battalion Chief David Bailey, Captain Greg McCarraher, Captain Jack Speed, Captain John Boatwright, Captain Bryan Swanson, Firefighter Donnie Hall, Lieutenant Dave Hammond, along with Steve Wilson from the Chesterfield County Police Department; Firefighter Clark Wade served from September 7-17 in Mississippi with the Virginia Department of Forestry, helping to clear 300 miles of roadway blocked by fallen trees; and Dr. Allen Yee, Operational Medical Director, served with the VA-1 Disaster Medical Assistance Team in Mississippi from September 10-24; and

WHEREAS, a second team of Chesterfield County volunteers arrived in New Orleans on September 29<sup>th</sup> to relieve the first team, and this second team consisted of Deputy Chief Jim Graham, Battalion Chief Rick Edinger, Battalion Chief Steve Parrott, Battalion Chief Jim Fitch, Captain Mark Tinsley, Captain Chris Basdikis, Lieutenant Amy Vest, Captain Keith Diggs, Senior Captain Perry Hornbarger and Lieutenant Robert Easter; all of Fire/EMS, and Yvonne Dingus of the Police Department; and

WHEREAS, another Incident Management Team, comprised of Henrico and Chesterfield County employees, deployed to the stricken area of Harrison County, Mississippi October 26, and includes Captain Stuart Dalton, Captain Eric Mead, Lieutenant Robert Burnette and Assistant Fire Marshal William VanGils from Chesterfield County Fire/EMS, along with Vicki MacBain and William E. Moss, both of the Real Estate Assessor's Office; and

WHEREAS, Chesterfield County Police also deployed four teams to Mississippi, including in Group 1 Lieutenant Michael Marrion, Sergeant William George, Senior Police Officer Welton Judkins, Police Officer Travis Owens, Senior Police Officer Edward Pierpont, Senior Police Officer Brian Rhodenizer, Senior Police Officer Jason Stocks, Career Police Officer David Suda, Master Police Officer Matthew McCartney and Senior Police Officer Jeffrey Williams; Group 2 included Captain James Stanley, Sergeant William Norris, Master Police Officer Carlos Gibson, Police Officer Robert Fekert, Police Officer Kevin Flynn, Police Officer Patrick McDonough, III, Senior Detective Troy Bunker and Police Officer Mark Donahue; Group 3 included Lieutenant Lorrie Smith, Sergeant William Pannell, Senior Police Officer Jeremy Bulluck, Senior Police Officer Stephen Fortier, Senior Police Officer Peter Cimbale, Senior Police Officer Jeffrey Kencitzski, Career Police Officer George Fisher and Senior Police Officer James Kuzik; and Group 4 included Lieutenant David Stone, Sergeant Gerald Netherland, Career Police Officer Carl Lunsford, Master Police Officer Timothy Morton, II, Senior Police Officer Scott Marree, Senior Police Officer Jeffry Williams, Senior Police Officer Jason Stocks and Senior Police Officer Foster Lee.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of December 2005, expresses appreciation for the extraordinary volunteerism of these men and women, applauds their sense of social responsibility and selfless service to others, and is proud to have them as Chesterfield County employees.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Warren presented the executed resolutions to the county employees that volunteered their service to those victims of Hurricane Katrina.

**5.B. RECOGNIZING MRS. MARY G. CARRERAS AND MR. A. JAMES KAUFFMAN FOR THEIR SERVICE ON THE CHESTERFIELD COMMUNITY SERVICES BOARD**

Mr. George Braunstein introduced Mrs. Mary G. Carreras and Mr. A. James Kauffman who were present to receive their resolutions.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mrs. Mary Carreras, serving as Member-At-Large, has served as a dedicated and faithful member of the Chesterfield County Community Services Board since her appointment by the Board of Supervisors, January 1992-December 1997 and February 2003-December 2005; and

WHEREAS, during her term as a member of the Chesterfield County Community Services Board, Mrs. Carreras has served with distinction as Chair of the Finance Committee, the Program Committee and the Policy Committee, served on the Executive Committee, Program Committee, Audit Committee, Service Quality Committee and as Vice Chair of the Board in 1993 and 1994 and Chair of the Board in 1995; and

WHEREAS, Mrs. Carreras has served three full terms on the Chesterfield County Community Services Board; and

WHEREAS, Mrs. Carreras is recognized as a strong advocate for growth in consumer services; and

WHEREAS, Mrs. Carreras was appointed to the State Mental Health Council from 1994 through 1997; and

WHEREAS, Mrs. Carreras has for over thirty years been an active volunteer and concerned citizen of Chesterfield County, serving in numerous leadership capacities, such as providing services as a professional nurse and nurse manager at CJW Hospital, Tucker Pavilion, CASA volunteer for Chesterfield County Juvenile Court, and serving on the Advisory Board at John Tyler Community College School of Nursing from 2002 to present; and

WHEREAS, Mrs. Carreras is acknowledged for her dedication and genuine concern for persons with mental disabilities.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of December 2005, publicly expresses its sincere appreciation to Mrs. Mary G. Carreras for her continuing efforts to enhance the quality mental health, mental retardation and substance abuse services provided for citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mrs. Carreras, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. A. James Kauffman, serving as Member-At-Large, has served as a dedicated and faithful member of the Chesterfield County Community Services Board since his appointment by the Board of Supervisors, September 2003 through December 2005; and

WHEREAS, during his term as a member of the Chesterfield County Community Services Board, Mr. Kauffman has served with distinction as a member of the Finance Committee and the Human Resource Committee; and

WHEREAS, Mr. Kauffman has used his expertise as senior attorney to provide valuable input during the monthly meetings; and

WHEREAS, Mr. Kauffman is recognized as a strong advocate for growth in consumer services; and

WHEREAS, the guidance and dedication demonstrated by Mr. Kauffman is an important example of effective advocacy in support of quality human services; and

WHEREAS, Mr. Kauffman has for a number of years been an active volunteer and concerned citizen of Chesterfield County, serving in numerous leadership capacities, such as Past President of the Chesterfield Kiwanis providing toys and other support for children and families of our consumers, Past Vice-President of Kiwanis International, Past Governor of Capital District of Kiwanis, and on the Salvation Army Adult Rehabilitation Center Advisory Board; and

WHEREAS, Mr. Kauffman is acknowledged for his dedication and genuine concern for persons with mental disabilities.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of December 2005, publicly expresses its sincere appreciation to Mr. A. James Kauffman for his continuing efforts to enhance the quality mental health, mental retardation and substance abuse services provided for citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. Kauffman, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Miller presented the executed resolutions to Mrs. Carreras and Mr. Kauffman and expressed appreciation for the service they provided as members of the Chesterfield Community Services Board.

Mrs. Carreras expressed her appreciation to the Board for their support of the Chesterfield Community Services Board.

Mr. Kauffman thanked the Board for the opportunity to serve on the Chesterfield Community Services Board and give back to the community.

**5.C. RECOGNIZING DR. GRACE V. NORBREY AND MS. ELIZABETH LUDDEN FOR THEIR CONTRIBUTIONS TO THE COMMITTEE ON THE FUTURE AND CHESTERFIELD COUNTY**

Mr. DeGennaro, Chairman of the Committee on the Future, introduced Dr. Norbrey and Ms. Ludden who were present to receive their resolutions.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Committee on the Future was established in 1987 by the Board of Supervisors and included in the County Charter for the purpose of assessing the future and long range challenges facing the county, advising the Board of Supervisors, and making recommendations for minimizing the adverse effect of future changes on the county; and

WHEREAS, Dr. Grace Norbrey was appointed as a member of the Committee on February 8, 1995; and

WHEREAS, Dr. Norbrey has served the citizens of the Matoaca District with distinction; and

WHEREAS, Dr. Norbrey served as an active committee member for eleven years, and

WHEREAS, the Committee created the "Neighborhood Preservation" report developing strategies to strengthen county communities by offering recommendations related to community organizations, neighborhood schools, community safety, crime prevention, and the maintenance, rehabilitation, and design of public and private facilities; and

WHEREAS, the Committee prepared the "Youth Development" report creating recommendations to maximize the opportunity for Chesterfield County youth to become engaged contributors within their communities through community, church, and private organizations, volunteerism, and school involvement; and

WHEREAS, the Committee completed the "Aging of the Population" report recognizing the opportunities created by the growing population of senior citizens, acknowledging the collective community obligation to meet seniors' needs, and offering suggestions that address the needs and opportunities of senior citizens in the areas of health, information services, mobility, education, social and leisure time, finances and housing; and

WHEREAS, the Committee compiled the "Green Infrastructure" report concerning the conservation of open spaces, the protection of natural resources and the preservation of heritage places for the benefit of the economy, the environment and the health and well being of current Chesterfield County residents and future generations; and

WHEREAS, Dr. Norbrey was instrumental in the completion of these reports and dedicated countless hours to the Committee during the past eleven years.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of December 2005, publicly recognizes Dr. Grace Norbrey and commends her for her dedication and outstanding service to the Committee on the Future and to the citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Dr. Norbrey and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution to Dr. Norbrey and expressed appreciation for the service she provided as a member of the Committee on the Future.

Dr. Norbrey expressed appreciation to the Board for the opportunity to serve as a member of the Committee on the Future.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Committee on the Future was established in 1987 by the Board of Supervisors and included in the County Charter for the purpose of assessing the future and long range challenges facing the county, advising the Board of Supervisors, and making recommendations for minimizing the adverse effect of future changes on the county; and

WHEREAS, Ms. Elizabeth Ludden was appointed as a member of the Committee on January 12, 2000; and

WHEREAS, Ms. Ludden has served the citizens of the Midlothian District with distinction; and

WHEREAS, Ms. Ludden served as an active committee member for six years; and



WHEREAS, the Committee completed the "Aging of the Population" report recognizing the opportunities created by the growing population of senior citizens, acknowledging the collective community obligation to meet seniors' needs, and offering suggestions that address the needs and opportunities of senior citizens in the areas of health, information services, mobility, education, social and leisure time, finances and housing; and

WHEREAS, the Committee compiled the "Green Infrastructure" report concerning the conservation of open spaces, the protection of natural resources and the preservation of heritage places for the benefit of the economy, the environment and the health and well being of current Chesterfield County residents and future generations; and

WHEREAS, Ms. Ludden was instrumental in the completion of these two reports and dedicated countless hours to the Committee during the past six years.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of December 2005, publicly recognizes Ms. Elizabeth Ludden and commends her for her dedication and outstanding service to the Committee on the Future and to the citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Ms. Ludden and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber presented the executed resolution to Ms. Ludden and expressed appreciation for the service she provided as a member of the Committee on the Future.

Ms. Ludden expressed appreciation to have had the opportunity to serve as a member of the Committee on the Future and serve the County of Chesterfield.

**5.D. RECOGNIZING MR. CRAIG S. BRYANT, UTILITIES DEPARTMENT, UPON HIS RETIREMENT**

Mr. Stith introduced Mr. Craig Bryant who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Craig S. Bryant retired from Chesterfield County's Department of Utilities on December 1, 2005; and

WHEREAS, Mr. Bryant began his public service with Chesterfield County Utilities 34 years ago as Assistant County Engineer, received his Professional Engineer license in 1976, was promoted to Assistant Director in 1979 and then to Director in 1993; and

WHEREAS, the number of Chesterfield Utilities' customers has increased from 12,500 to 101,000 requiring significant

expansion of the water and wastewater system since Mr. Bryant came to the department in 1971; and

WHEREAS, Mr. Bryant has ensured that the Utilities Department delivers water safely and efficiently to its customers and that it has always met state and federal guidelines and that the quality of treated wastewater assures protection of water quality in the James River and the Chesapeake Bay; and

WHEREAS, Mr. Bryant has formed partnerships with the City of Richmond and Appomattox River Water Authority to ensure our customers have sufficient supplies of water for current and future needs; and

WHEREAS, under Mr. Bryant's leadership, Chesterfield Utilities became one of the first participants in the Partnership for Safe Drinking Water, an alliance with the United States Environmental Protection Agency and the American Water Works Association and other conscientious water suppliers; and

WHEREAS, the Supervisory Control and Data Acquisition (SCADA) monitoring system was implemented during his leadership which was a monumental task that electronically allowed for remote observation and control of the county's water tanks and pumps making the department a leader in technology for public utilities; and

WHEREAS, Mr. Bryant has been responsible for major expansions and treatment enhancement projects at the Addison-Evans Water Production and Laboratory Facility and the Proctors Creek and Falling Creek Wastewater Plants; and

WHEREAS, nutrient removal facilities were installed at the wastewater treatment facilities to enhance water quality in the James River leading to awards of excellence from the Environmental Protection Agency, the Virginia Department of Environmental Quality, and the Virginia Water Environment Association; and

WHEREAS, Mr. Bryant served on the Board of Directors of the Virginia Association of Municipal Wastewater Agencies an organization representing the interests of agencies providing wastewater service to the citizens of Virginia in the regulatory and legislative arena; and

WHEREAS, in 2001, Mr. Bryant was among the first recipients of the Association of Metropolitan Water Agencies' Gold Awards for Competitiveness Achievement and was recognized for having one of the best-operated, most efficient water systems in the nation; and

WHEREAS, in 2002, Chesterfield County Utilities earned a AAA bond rating from the three top rating services, Standards & Poor's, Fitch Ratings and Moody's Investors Services, on its utility department bonds making Chesterfield Utilities one of only two water and wastewater utilities in the nation to have the highest rating from all three rating services; and

WHEREAS, in 2004, Chesterfield Utilities received a certificate of recognition for Excellence in Management from

the Association of Metropolitan Sewerage Agencies which certifies that the department has successfully implemented progressive management initiatives that address the wide range of management challenges facing the clean water community, and Mr. Bryant was awarded the Platinum Award for Sustained Competitiveness Achievement from the Association of Metropolitan Water Agencies which recognizes long-term excellence and innovation in utility management.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Mr. Craig S. Bryant and extends appreciation, on behalf of its members and the citizens of Chesterfield County, for his 34 years of exceptional service to the County.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber presented the executed resolution to Mr. Bryant, accompanied by his wife, expressed appreciation for his dedicated service, and congratulated him on his retirement.

Mr. Ramsey presented Mr. Bryant with a Jefferson Cup on behalf of the county and commended him for his 34 years of service.

Mr. Bryant expressed appreciation to the Board and Mr. Ramsey for the recognition and support through the years. He recognized Mr. Stith, Utilities staff and his wife for their support.

**5.E. RECOGNIZING CHESTERFIELD COUNTY EMPLOYEES OF THE YEAR**

Ms. Cole introduced the 2005 Employees-of-the-Year, who were as follows:

<u>Name</u>	<u>Department</u>
Kimberly Ackerman	Mental Health/Mental Retardation/Substance Abuse
Donna M. Arrington	Accounting
Belinda S. Ashmore	Real Estate Assessment
Karen Aylward	Economic Development
Virginia Barbour	Environmental Engineering
Sherry Berkheimer	Risk Management
Nancy Bush	Environmental and Security Management
Celeste Coles	Youth Group Home
Kimberly Conley	County Administration
Pam Craze	County Attorney's Office
Karla Davila	Health Department

Teresa Davis	Planning
Jason S. Deonanan	Information System Technology
Bryan Edwards	Sheriff's Office
Michael Elder	General Services
Rebecca Fitzke	Building Inspection
Reginald E. Flippin, Jr.	Fire and Emergency Medical Services
Patricia Glazier	Youth Planning and Development
David Goode	Public Affairs
Carol T. Judkins	Budget and Management
Gina Love	Community Development
Mary Martin	Human Resource Management
Jo Carol Mayton	Purchasing
Willie A. May, Sr.	Juvenile Detention
Chartel J. Nelson	Treasurer's Office
Susie Owens	Parks and Recreation
Danny Parnell	Utilities Department
Jami Pease	Community Corrections Services
Cathy Peppers	Internal Audit
Officer Richard J. Regan, II	Police Department
Kim A. Rosamilia	Emergency Communications Office
Jennifer Shepley	Library
Cindy R. Taylor	Chesterfield University

Mr. Barber presented the Employees-of-the-Year with a plaque recognizing them as their department's Employee-of-the-Year and expressed appreciation, on behalf of the Board and citizens, for their dedication.

Mr. Ramsey expressed appreciation to the Board for recognizing the county's Employees-of-the-Year and stated he is very proud of each of them.

## 6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

- o TO CONSIDER AMENDMENTS TO SECTIONS 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108, 19-124, 19-301, AND 19-510 OF THE COUNTY CODE RELATING TO HOME OCCUPATIONS

Mr. Micas presented a summary regarding changes and recommendations to the home occupation ordinance and the vehicle parking ordinance.

Mr. Miller raised questions regarding the storage issue and definition of light inventory.

Mr. Turner stated staff would use their discretion in interpreting the light inventory definition and provided examples of what staff would consider a light inventory business.

Mrs. Humphrey received clarification of the agricultural issue relating to the home occupation ordinance.

Discussion ensued regarding allowing a non-family employee to work on the premises.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board, as a portion of the proposed changes, unanimously approved staff recommendations relating to changes to the regulation of home occupations and further revised staff recommendations regarding the number of occupations per dwelling and the number of customers allowed.

Mr. Micas continued presentation of the summary regarding the vehicle parking portions of the proposed ordinance and discussion ensued.

Dr. Cannaday addressed the school bus parking issue in the ordinance.

Discussion ensued regarding the vehicle parking ordinance.

On motion of Mr. Barber, seconded by Mr. Miller, the Board approved the proposed more restrictive change and the two consensus changes, and allowed school bus parking be permitted only in A districts, with a July 1, 2006 implementation date.

Ayes: Barber and Miller.

Nays: King, Humphrey and Warren.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the proposed changes recommended by staff regarding changes in parking regulations and further revised staff recommendations to increase the weight of commercial vehicles, to prohibit tow truck parking in R districts and to allow school bus parking in all districts.

Mr. Barber called for a vote on the motion of Mrs. Humphrey, seconded by Mr. King for the Board to adopt the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING

AND RE-ENACTING SECTION 19-65, 19-66, 19-102, 19-103,  
19-107.1, 19-108, 19-124, 19-301 AND 19-510  
RELATING TO HOME OCCUPATIONS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108, 19-124, 19-301 and 19-510 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

**Section 19-65. Uses Permitted with Certain Restrictions.**

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

(e) Home occupation, provided that:

- (1) No employees shall be permitted to work on the premises other than family member employees that live on the premises,
- (2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater,
- (3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted,
- (4) No commodity is stored or sold on the premises except for light inventory,
- (5) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads. A vehicle used for towing shall not be permitted to have a vehicle in tow or on its flatbed while it is parked on the premises, and
- (6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only two clients may be on the property at any one time.

(f) Parking and storage of any commercial truck, commercial vehicle or public service vehicle provided that no such vehicle shall exceed 10,000 pounds or have more than two axles. The restriction in this subsection shall not apply to (i) trucks or vehicles on the premises while loading or unloading; or (ii) trucks or vehicles parked on a farm where the parking is incidental to the farming use being conducted on the property.

**Section 19-66. Accessory Uses, Buildings and Structures.**

The following accessory uses, buildings and structures shall be permitted in the R-88 District:

o o o

- (b) Tennis courts and similar recreational facilities.
- (c) Swimming pools and adjoining deck areas; provided that no swimming pool wall shall be located within six feet of an adjacent lot or parcel nor in a required front or corner side yard.
- (d) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings or trailers shall be removed upon completion or abandonment of the work.
- (e) Signs.
- (f) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

o o o

**Section 19-102. Uses Permitted with Certain Restrictions.**

The following uses shall be permitted in the R-TH District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

- (e) Home occupation, provided that:
  - (1) No employees shall be permitted to work on the premises other than family member employees that live on the premises,
  - (2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater,
  - (3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted,
  - (4) No commodity is stored or sold on the premises except for light inventory,

- (5) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads. A vehicle used for towing shall not be permitted to have a vehicle in tow or on its flatbed while it is parked on the premises, and
- (6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only two clients may be on the property at any one time.

(f) Parking and storage of any commercial truck, commercial vehicle or public service vehicle provided that no such vehicle shall exceed 10,000 pounds or have more than two axles. The restriction in this subsection shall not apply to (i) trucks or vehicles on the premises while loading or unloading; or (ii) trucks or vehicles parked on a farm where the parking is incidental to the farming use being conducted on the property.

o o o

#### **Section 19-103. Accessory Uses, Buildings and Structures.**

The following accessory uses, buildings and structures shall be permitted in the R-TH District:

o o o

- (d) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings or trailers shall be removed upon completion or abandonment of such work.
- (e) Buildings and structures devoted to maintenance and groundskeeping purposes and equipment storage.
- (f) Signs.
- (g) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

o o o

#### **Section 19-107.1. Uses Permitted with Certain Restrictions.**

The following uses shall be permitted in the R-MF District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

- (d) Home occupation, provided that:



- (1) No employees shall be permitted to work on the premises other than family member employees that live on the premises,
- (2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater,
- (3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted,
- (4) No commodity is stored or sold on the premises except for light inventory,
- (5) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads. A vehicle used for towing shall not be permitted to have a vehicle in tow or on its flatbed while it is parked on the premises, and
- (6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only two clients may be on the property at any one time.

(e) Parking and storage of any commercial truck, commercial vehicle or public service vehicle provided that no such vehicle shall exceed 10,000 pounds or have more than two axles. The restriction in this subsection shall not apply to (i) trucks or vehicles on the premises while loading or unloading; or (ii) trucks or vehicles parked on a farm where the parking is incidental to the farming use being conducted on the property.

o o o

**Section 19-108. Accessory Uses, Buildings and Structures.**

The following accessory uses, buildings and structures shall be permitted in the R-MF District:

o o o

- (b) Recreational facilities as required for the project and that primarily serve the surrounding residential community.

- (c) Management office and maintenance buildings for the project.
- (d) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings or trailers shall be removed upon completion or abandonment of such work.
- (e) Signs.
- (f) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

o o o

**Section 19-124. Uses Permitted with Certain Restrictions.**

The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

- (e) Home occupation, provided that:
  - (1) No employees shall be permitted to work on the premises other than family member employees that live on the premises,
  - (2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater,
  - (3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted,
  - (4) No commodity is stored or sold on the premises except for light inventory,
  - (5) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads. A vehicle used for towing shall not be permitted to have a vehicle in tow or on its flatbed while it is parked on the premises, and
  - (6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a

one to one basis is permitted. Only two clients may be on the property at any one time.

o o o

**Section 19-301. Definitions.**

o o o

Home occupation: Any occupation, profession, enterprise or activity conducted which is incidental and secondary to the use of the premises as a dwelling, including but not limited to the home office of a member of a recognized or licensed profession, such as an attorney, physician, dentist, certified massage therapist as defined in County Code § 15-91, musician, artist, real estate salesperson or broker, or engineer.

Permitted home occupations shall not include animal hospitals or kennels, beauty parlors, barbershops, dance studios, motor vehicle repair, motor vehicle painting or body work, motor vehicle detailing, nursing homes, convalescent homes, rest homes, private clubs, tourist homes, trash collection or similar establishments offering services to the general public.

o o o

**Section 19-510. Restrictions and Limitations--Agricultural, Residential, Residential Townhouse, Multi-family Residential, Manufactured Homes.**

- (a) Parking and storing recreational equipment in R, R-TH, MH and R-MF Districts:
  - (1) In all MH-2, MH-3, and R Districts, only two items of recreational equipment may be parked on a zoning lot for each dwelling unit thereon, outside of a totally enclosed building. Further, all recreational equipment shall be parked or stored in a rear yard, except for loading or unloading, and shall be set back at least ten feet from the rear lot lines and five feet from the side lot lines. No trailer or vehicle shall have its wheels removed except for repair purposes.
  - (2) No recreational equipment shall be used for living or business purposes or connected to utility services except for maintenance purposes.
  - (3) In R-TH, and R-MF Districts, parking and storing recreational equipment shall be prohibited unless a common storage area(s) is (are) provided for the parking. Parking spaces for recreational equipment and/or vehicles shall be in addition to that required for parking private vehicles. The storage area(s) shall be effectively screened from view.

(b) Parking areas for five or more vehicles on lots in A, R, MH and R-TH districts, which are not used for residential purposes, shall conform to the parking requirements as though the property were located in an O, C or I District.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: King, Humphrey, and Warren.

Nays: Barber and Miller.

## **8. NEW BUSINESS**

### **8.A. APPOINTMENTS**

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Chesterfield Community Services Board and the Appomattox River Water Authority.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

#### **8.A.1. COMMUNITY SERVICES BOARD**

On motion of Mr. Warren, seconded by Mr. Barber, the Board simultaneously nominated/appointed Ms. Nancy Finch and Mr. Lawrence Olszewski as At-large members, to serve on the Chesterfield Community Services Board, whose terms are effective January 1, 2006 and expires December 31, 2008.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

#### **8.A.2. APPOMATTOX RIVER WATER AUTHORITY**

Mr. Warren submitted the name of Mr. Dick Page to serve in the alternate position on the Authority.

Discussion ensued regarding this proposal.

Mr. Ramsey clarified that the County/City Manager/Administrator and Utilities Director from each locality have consistently served on the Authority.

Mr. Warren withdrew his request.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/reappointed Mr. Lane Ramsey and appointed Mr. Roy Covington to serve as an alternate on the Appomattox River Water Authority, whose terms are effective immediately and expire December 31, 2006. (It is noted Mr. Covington will fill the unexpired term as a result of the retirement of Mr. Craig Bryant.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey and Mr. Miller excused themselves from the meeting.

**8.B.     CONSENT ITEMS**

**8.B.1.   ADOPTION OF RESOLUTIONS**

**8.B.1.a.   RECOGNIZING MRS. MARY A. ELLIS, CHESTERFIELD COUNTY  
PURCHASING DEPARTMENT, UPON HER RETIREMENT**

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Ms. Mary A. Ellis will retire on January 1, 2006 after providing 20 years of dedicated and faithful service to Chesterfield County; and

WHEREAS, Ms. Ellis began her service on September 30, 1985 as a Senior Buyer with the Purchasing Department where she procured goods, services, and construction for Chesterfield County Government and Chesterfield County Schools, and her position has been reclassified and upgraded over the years, most recently to Senior Contract Officer on September 10, 2005; and

WHEREAS, Ms. Ellis through study, dedication, and written examination received the prestigious honor of being awarded the Certified Professional Public Buyer (CPPB) designation by the National Institute of Governmental Purchasing on November 1, 1988; and

WHEREAS, from 1989 through 1993 Ms. Ellis served with honor and distinction in successive offices as Treasurer, Secretary, Vice-President, and President of the Capital Area Purchasing Association and in so doing brought honor and distinction to Chesterfield County in the execution of her duties; and

WHEREAS, Ms. Ellis successfully completed the TQI Advisor Certification Requirements on August 24, 1999; and

WHEREAS, through dedication and perseverance and in accordance with the Purchasing Department's Cost Avoidance Program, Ms. Ellis has saved the taxpayers of Chesterfield County over one-half million dollars on technology equipment and maintenance and service contracts from 1991 to the present date; and

WHEREAS, Ms. Ellis has generated and administered numerous requirements contracts during her tenure which have very successfully met the needs of county and school departments through effective, efficient, and cost saving procurement techniques; and

WHEREAS, Ms. Ellis was always willing to take on any challenge presented to her with a positive "can-do" oriented attitude and has always worked well in a team environment and displayed a determined effort to stay with a project until it was successfully concluded; and

WHEREAS, Ms. Ellis has always remained calm under fire in her dealings with her customers and with vendors and was always thought of as a very friendly person and one of the nicest people you will ever meet; and

WHEREAS, Ms. Ellis has served successfully on many teams and projects during her tenure with the county and such contributions both as a team member and as an individual contributed to the excellence which made it possible for the Purchasing Department on October 25, 1999 to be the eighth public procurement entity within the United States, Canada, Ireland, and England and the first locality or state agency in Virginia to receive national accreditation for purchasing excellence by the National Institute of Governmental Purchasing; and

WHEREAS, Ms. Ellis displayed a commitment to duty along with an unwavering commitment to the highest ethical and moral standards while continually seeking to obtain the best value for the taxpayers of Chesterfield County; and

WHEREAS, Ms. Ellis will be tremendously missed for the quality and caliber of her commitment and performance in the Purchasing Department and to its many customers.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Ms. Mary A. Ellis and extends its appreciation for her 20 years of dedicated service to the county, congratulations upon her retirement, and best wishes for a long and happy retirement.

Ayes: Barber, King, and Warren.  
Nays: None.  
Absent: Miller and Humphrey.

**8.B.1.b. RECOGNIZING MR. ROBERT M. BROOKS, PARKS AND RECREATION DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Mr. Robert M. Brooks retired on November 30, 2005 from the Chesterfield County Department of Parks and Recreation; and

WHEREAS, Mr. Brooks began his public service with Chesterfield County as a maintenance worker in 1989 in the Environmental Engineering Department and continued to faithfully work in that capacity until his transfer to the Parks and Recreation Department Parks Division in 1996 as a maintenance worker and later as a principal maintenance worker; and

WHEREAS, Mr. Brooks has provided excellent customer service, integrity and leadership in the maintenance of Chesterfield County park and school facilities; and

WHEREAS, Mr. Brooks has been an invaluable asset to the Parks and Recreation Department for the past nine years; and

WHEREAS, Mr. Brooks has been responsible for and instrumental in providing some of the best maintained park and school facilities in the county by which all other facilities are measured; and

WHEREAS, Mr. Brooks has been dedicated, productive and dependable in his maintenance responsibilities; and

WHEREAS, Mr. Brooks will be greatly missed by his co-workers, supervisors and the citizens of Chesterfield County whom he has served.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mr. Robert M. Brooks, expresses the appreciation of all residents for his 16 years of service to Chesterfield County, and extends appreciation for his dedicated service to the county and congratulations upon his retirement, as well as best wishes for a long and happy retirement.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

**8.B.1.c. RECOGNIZING LIEUTENANT JOHN P. "JACK" MURPHY, III,  
POLICE DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Lieutenant John P. "Jack" Murphy, III retired from the Chesterfield County Police Department on August 1, 2005, after providing 21 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Lieutenant Murphy began his service to the Police Department as a volunteer Special Police Officer; and

WHEREAS, Lieutenant Murphy has faithfully served the county in the capacity of Patrol Officer, Sergeant, and Lieutenant; and

WHEREAS, Lieutenant Murphy was the first lieutenant assigned to the position of Terrorism Intelligence and Emergency Preparedness Coordinator, where he managed all of the Police Department's response to Homeland Security issues; and

WHEREAS, Lieutenant Murphy was recognized for his participation in a crime and public safety forum hosted by the Greater Richmond Chamber of Commerce, where he presented a breakout session on terrorism that was well received by all that attended; and

WHEREAS, Lieutenant Murphy has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, the Chesterfield County Police Department was instrumental in assisting the Richmond Division of the Federal Bureau of Investigation (FBI) in a significant Organized Crime Drug Enforcement Task Force, and Lieutenant Murphy, while serving as Sergeant of the Forensic Unit, received a letter of thanks for the superb forensic crime scene analysis that was conducted by the forensic staff after a shooting incident took place; and

WHEREAS, Lieutenant Murphy has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Lieutenant Murphy's diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes Lieutenant John P. "Jack" Murphy, III, and extends on behalf of its members and the citizens of Chesterfield County appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

**8.B.1.d. RECOGNIZING SERGEANT R. WAYNE GARBER, POLICE DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Sergeant R. Wayne Garber retired from the Chesterfield County Police Department on December 1, 2005, after providing 20 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Sergeant Garber has faithfully served the county in the capacity of Patrol Officer, Investigator, Detective, and Sergeant, and

WHEREAS, Sergeant Garber began his service to the Police Department as a volunteer Special Police Officer; and

WHEREAS, Sergeant Garber while serving as a patrol officer, received the 1988 Achievement Award for outstanding performance; and

WHEREAS, Sergeant Garber served as the lead detective in the Charity Powers homicide case and due to his excellent interview and interrogation skills, a confession was obtained, the perpetrator was punished to the fullest extent allowed by law, and the taped confession has been used as a training tool for the FBI in Quantico, Virginia; and

WHEREAS, Sergeant Garber served as negotiator on the Police Department's Police Emergency Response Team; and

WHEREAS, Sergeant Garber received the Meritorious Service Award for his diligent and dedicated work with the Police Department's Negotiation Team for a 12-year period from 1992 to 2005; and

WHEREAS, Sergeant Garber has received various letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Sergeant Garber has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Sergeant Garber's diligent service.



NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Sergeant R. Wayne Garber, and extends on behalf of its members and the citizens of Chesterfield County appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

**8.B.1.e. CONCURRING WITH TOWN OF ASHLAND'S ECONOMIC DEVELOPMENT AUTHORITY'S INDUCEMENT RESOLUTION FOR BOND ISSUANCE FOR GOODWILL INDUSTRIES OF CENTRAL VIRGINIA**

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following resolution concurring with Ashland's Economic Development Authority's bond issuance for a Goodwill Industries facility located in Chesterfield County:

The Economic Development Authority of the Town of Ashland, Virginia (the "Ashland Authority") has considered the application of Goodwill Industries of Central Virginia, Inc. (the "Applicant"), requesting the issuance of the Ashland Authority's revenue bonds in a principal amount not to exceed \$8,500,000 (the "Bonds"). The proceeds of the Bonds will be used to assist the Applicant in financing the acquisition of land and the construction, equipping and development of the following facilities (together, the "Projects"):

- the acquisition of approximately 1.67 acres of land and the acquisition, improvement and equipping of a 10,000 square foot building to be used as a retail store and located at 10485 DowGil Road, Ashland, Virginia 23005 in the Town of Ashland, Virginia ("Ashland")
- the construction and equipping of a 16,060 square foot building to be used as a retail store and community training center on approximately 2.05 acres of land located at 1211 Alverser Drive, Midlothian, Virginia 23113 in the County of Chesterfield, Virginia ("Chesterfield County")
- the acquisition of approximately 6.38 acres of land and the acquisition, improvement and equipping of a 25,000 square foot building to be used as retail store and community training center located at 7147 Brandy Run Drive, Mechanicsville, Virginia 23111 in the County of Hanover, Virginia ("Hanover County")
- the acquisition of approximately 4.8 acres of land and the construction and equipping of a 16,110 square foot building to be used as a retail store and community training center located at 65 Crater Circle, Petersburg, Virginia 23805 in the City of Petersburg, Virginia ("Petersburg")
- the acquisition of approximately 2.52 acres of land at 6314-6336 Old Warwick Road located adjacent to the Applicant's facility at 6301 Midlothian Turnpike, Richmond, Virginia 23225 in the City of Richmond, Virginia ("Richmond")

The Projects will be used by the Applicant in the furtherance of its mission of training and employing people with disabilities and others with barriers to employment. The Applicant's service area includes, among other areas, Ashland, Chesterfield County, Hanover County, Petersburg and Richmond.

The Applicant is a Virginia nonstock, nonprofit corporation that has its principal place of business at 6301 Midlothian Turnpike, Richmond, Virginia 23235. The Applicant is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code").

Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. One of the Projects is located in Chesterfield County. The Board of Supervisors of the County of Chesterfield, Virginia (the "Board") constitutes the highest elected governmental unit of Chesterfield County.

Following a public hearing held by the Ashland Authority on November 10, 2005, the Ashland Authority adopted a resolution (the "Inducement Resolution") in which it requested that the Board approve of the issuance of the Bonds by the Ashland Authority and concur with the Inducement Resolution.

A copy of the Ashland Authority's Summary of Public Hearing, which includes the Inducement Resolution, a reasonably detailed summary of the comments expressed at the Ashland Authority's public hearing and the Applicant's Fiscal Impact Statements, has been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA:

The Board accepts the Ashland Authority's Summary of Public Hearing, and approves the issuance of the Bonds by the Ashland Authority for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Ashland Authority to assist in the development and financing of the Projects in Ashland, Chesterfield County, Hanover County, Petersburg and Richmond.

2. The Board concurs with the Inducement Resolution.

3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Projects or the Applicant. Further, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Ashland Authority, Ashland, Chesterfield County, Hanover County, Petersburg nor Richmond shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Ashland Authority, Ashland,

Chesterfield County, Hanover County, Petersburg and Richmond, shall be pledged thereto.

4. This resolution shall take effect immediately upon its adoption.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

#### **8.B.2. APPROVAL OF FY2006 SCHOOL GRANT REVISIONS**

On motion of Mr. King, seconded by Mr. Warren, the Board approved an increase of \$489,963 in the School Grants Fund increase of \$479,963 in Instruction and \$10,000 in Pupil Transportation) to reflect the appropriate dollar amounts per approved grant agreements for FY2006 as outlined in the papers of this Board.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

#### **8.B.3. APPROVAL OF FY2006 SCHOOL OPERATING FUND REVISIONS**

On motion of Mr. King, seconded by Mr. Warren, the Board approved the revenue appropriation revisions within the school operating budget and increased or decreased the budgeted school expenditure appropriation categories as follows: increased Administration/Attendance and Health by \$253,500; increased Pupil Transportation by \$700,000; increased Operations and Maintenance by \$850,000 and decreased Instruction by \$1,803,500.

(It is noted the net change to the school operating budget is a reduction of \$498,550).

And further, the Board re-appropriated the Appomattox Regional Governor's School ending June 30, 2005 fund balance of \$389,530 as follows: Transfer for grants \$10,400; major maintenance reserve \$33,300, and one-time expenditures \$345,830.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

#### **8.B.5. AWARD OF CONTRACT TO THE COMPUTER SOLUTIONS COMPANY TO UPGRADE COMPUTER SYSTEMS FOR THE REAL ESTATE ASSESSOR AND THE TREASURER'S OFFICE**

On motion of Mr. King, seconded by Mr. Warren, the Board authorized the County Administrator to enter into a contract for specialized application development services with The Computer Solutions Company to upgrade computer systems for the Real Estate Assessor and Treasurer's Office in the amount of \$643,500.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

**8.B.6. APPROVAL OF A REQUEST FROM WAYNE G. APPELMAN FOR AN EXCEPTION TO THE USE OF PUBLIC WASTEWATER FOR A PROPOSED RESIDENTIAL STRUCTURE LOCATED AT 6900 BELMONT ROAD**

On motion of Mr. King, seconded by Mr. Warren, the Board approved a request from Wayne G. Appelman for an exception to the use of public wastewater for a proposed residential structure located at 6900 Belmont Road, subject to the execution of a license agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, and Warren.  
Nays: None.  
Absent: Miller and Humphrey.

**8.B.7. RENEWAL OF LEASE OF PROPERTY FOR THE OFFICE OF COMMUNITY DEVELOPMENT BLOCK GRANT**

On motion of Mr. King, seconded by Mr. Warren, the Board approved the renewal of a lease with J. C. M. Partnership for 1426 square feet of office space at 10100 Ironbridge Road, Suite 110 for the office of Community Development Block Grant, and authorized the County Administrator to execute the lease agreement. (It is noted a copy of the vicinity sketch is filed with the papers of the Board.)

Ayes: Barber, King, and Warren.  
Nays: None.  
Absent: Miller and Humphrey.

**8.B.8. APPROVAL OF LEASE ADDENDA FOR OFFICE SPACE AT COURT SQUARE FOR THE PLANNING DEPARTMENT'S LONG RANGE PLANNING AND CODE COMPLIANCE OFFICES**

On motion of Mr. King, seconded by Mr. Warren, the Board approved the lease addenda to the existing lease agreements between the county and CS Development Company, Incorporated, for office space at Court Square for the Planning Department's Long Range Planning and Code Compliance offices, and authorized the County Administrator to execute the lease addenda. (It is noted a copy of the vicinity sketch is filed with the papers of the Board.)

Ayes: Barber, King, and Warren.  
Nays: None.  
Absent: Miller and Humphrey.

**8.B.9. REQUESTS FOR PERMISSION**

**8.B.9.a. FROM LIGHTING-UP, LLC TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY AT 7509 MIDLOTHIAN TURNPIKE**

On motion of Mr. King, seconded by Mr. Warren, the Board approved the request from Lighting-Up, LLC to install a private water service within a private easement to serve property at 7509 Midlothian Turnpike, subject to the execution of a license agreement, and authorized the County Administrator to execute the water connection agreement. (It

is noted a copy of the plat is filed with the papers of the Board.)

Ayes: Barber, King, and Warren.  
Nays: None.  
Absent: Miller and Humphrey.

**8.B.9.b. FROM HOYT G. HOOPER, JR. AND ILONA K. HOOPER FOR A PROPOSED PRIVATE WATER LINE TO ENCROACH WITHIN A SIXTEEN-FOOT EASEMENT AND VARIABLE WIDTH SEWER EASEMENTS ACROSS LOTS 52 AND 53, BLOCK B, TRAMPLING FARMS, SECTION A**

On motion of Mr. King, seconded by Mr. Warren, the Board approved the request from Hoyt G. Hooper, Jr. and Ilona K. Hooper for a proposed private water line to encroach within a sixteen-foot easement and variable width sewer easements across lots 52 and 53, Block B, Trampling Farms, Section A, subject to the executive of a license agreement. (It is noted a copy of the plat is filed with the papers of the Board.)

Ayes: Barber, King, and Warren.  
Nays: None.  
Absent: Miller and Humphrey.

**8.B.10. STATE ROAD ACCEPTANCE**

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:      Addition**

**Basis for Change:**                      Addition, New subdivision street

**Statutory Reference:**                  §33.1-229

**Project:**                      Five Forks Village South, Section 1

●                   **Cogbill Road, State Route Number: 638**

From:               Belmont Rd., (Rt. 651)

To:                   0.4 mile W of Belmont Rd., (Rt. 651), a distance of: 0.40 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 90 feet

●                   **Cogbill Road, State Route Number: 638**

From:               0.4 mile W of Belmont Rd., (Rt. 651)

To:                   Townsbury Rd., (Rt. 5935), a distance of: 0.12 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 90 feet

●                   **Cogbill Road, State Route Number: 638**

From:               Townsbury Rd., (Rt. 5935)

To:                   0.05 mile W of Townsbury Rd., (Rt. 5935), a distance of: 0.05 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 90 feet

●                   **Townsbury Road, State Route Number: 5935**

From:               Cogbill Rd., (Rt. 638)

To:                   Townsbury Ct., (Rt. 5936), a distance of: 0.09 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Townsbury Road, State Route Number: 5935**

From:               Townsbury Ct., (Rt. 5936)

To:                   Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Townsbury Court, State Route Number: 5936**

From:               Townsbury Rd., (Rt. 5935)

To:                   Townsbury Tr., (Rt. 5937), a distance of: 0.06 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Townsbury Terrace, State Route Number: 5937**

From:               Townsbury Ct., (Rt. 5936)

To:                   Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Townsbury Court, State Route Number: 5936**

From:               Townsbury Tr., (Rt. 5937)

To:                   Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Scotts Bluff Way, State Route Number: 5938**

From:               Cogbill Rd., (Rt. 638)

To:                  Scotts Bluff Ct., (Rt. 5939), a distance of: 0.04 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Scotts Bluff Court, State Route Number: 5939**

From:               Scotts Bluff Wy., (Rt. 5938)

To:                  Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Scotts Bluff Way, State Route Number: 5938**

From:               Scotts Bluff Ct., (Rt. 5939)

To:                  Scotts Bluff Ln., (Rt. 5940), a distance of: 0.05 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Scotts Bluff Lane, State Route Number: 5940**

From:               Scotts Bluff Wy., (Rt. 5938)

To:                  Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Scotts Bluff Lane, State Route Number: 5940**

From:               Scotts Bluff Wy., (Rt. 5938)

To:                  Scotts Bluff Tr., (Rt. 5941), a distance of: 0.06 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Scotts Bluff Terrace, State Route Number: 5941**

From:               Scotts Bluff Ln., (Rt. 5940)

To:                  Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Scotts Bluff Lane, State Route Number: 5940**

From:               Scotts Bluff Tr., (Rt. 5941)

To:                  Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

●                   **Scotts Bluff Way, State Route Number: 5938**

From:               Scotts Bluff Ln., (Rt. 5940)

To:                  Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 11/22/2005 with the Office Of Clerk To Circuit Court in Pb. 130, Pg. 67,  
with a width of 50 feet

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:**      **Addition**

**Basis for Change:**                      **Addition, New subdivision street**  
**Statutory Reference:**                **§33.1-229**

**Project:**                      **Five Forks Village South, Section 2**

●                      **Cogbill Road, State Route Number: 638**

From:                      0.28 mile NW of Five Forks Ln., (Rt. 5320)  
To:                      Springmount Rd., (Rt. 5921), a distance of: 0.11 miles.

Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 90 feet

●                      **Cogbill Road, State Route Number: 638**

From:                      Springmount Rd., (Rt. 5921)  
To:                      0.14 mile NW of Springmount Rd., (Rt. 5921), a distance of: 0.14 miles.

Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 90 feet

●                      **Springmount Road, State Route Number: 5921**

From:                      Cogbill Rd., (Rt. 638)  
To:                      Springmount Tr., (Rt. 5922), a distance of: 0.04 miles.

Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 50 feet

●                      **Springmount Terrace, State Route Number: 5922**

From:                      Springmount Rd., (Rt. 5921)  
To:                      Cul-de-sac, a distance of: 0.16 miles.



Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 50 feet

● **Springmount Road, State Route Number: 5921**

From: Springmount Tr., (Rt. 5922)

To: Knightwood Ln., (Rt. 5923), a distance of: 0.05 miles.

Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 50 feet

● **Knightwood Lane, State Route Number: 5923**

From: Knightwood Rd., (Rt. 5921)

To: Knightwood Pl., (Rt. 5925), a distance of: 0.06 miles.

Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 50 feet

● **Knightwood Place, State Route Number: 5925**

From: Knightwood Ln., (Rt. 5923)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 50 feet

● **Knightwood Lane, State Route Number: 5923**

From: Knightwood Pl., (Rt. 5925)

To: Knightwood Ct., (Rt. 5924), a distance of: 0.06 miles.

Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 50 feet

● **Knightwood Court, State Route Number: 5924**

From: Knightwood Ln., (Rt. 5923)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 50 feet

● **Knightwood Lane, State Route Number: 5923**

From: Knightwood Ct., (Rt. 5924)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 50 feet

● **Springmount Road, State Route Number: 5921**

From: Knightwood Ln., (Rt. 5923)

To: Temporary end of maintenance, a distance of: 0.07 miles.

Right-of-way record was filed on 6/29/2004 with the Office Of Clerk To Circuit Court in Pb. 145, Pg. 54,  
with a width of 50 feet

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:      Addition**

**Basis for Change:**                      Addition, New subdivision street

**Statutory Reference:**                §33.1-229

**Project:**                      Rosemont, Section I

●                      **Lastingham Drive, State Route Number: 5147**

From:                      0.01 mile S of Hartlepool Ln., (Rt. 5146)

To:                              0.11 mile SE of Hartlepool Ln., (Rt. 5146), a distance of: 0.11 miles.

Right-of-way record was filed on 3/29/2002 with the Office Of Clerk To Circuit Court in Pb. 125, Pg. 3,  
with a width of 50 feet

●                      **Lastingham Drive, State Route Number: 5147**

From:                      0.01 mile SE of Hartlepool Ln., (Rt. 5146)

To:                              Cul-de-sac (round-about), a distance of: 0.07 miles.

Right-of-way record was filed on 3/29/2002 with the Office Of Clerk To Circuit Court in Pb. 125, Pg. 3,  
with a width of 170 feet

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:**      **Addition**

**Basis or Change:**                      **Addition, New subdivision street**

**Statutory Reference:**                **§33.1-229**

**Project:**                      **Tanner Village Section C**

- **Jeffries Way, State Route Number: 5842**

From:                      0.08 mile S of Camack TL., (Rt. 5840)

To:                      Jeffries Pl., (Rt. 5945), a distance of: 0.05 miles.

Right-of-way record was filed on 10/1/2004 with the Office Of Clerk To Circuit Court in Pb. 148, Pg. 22,  
with a width of 44 feet

- **Jeffries Place, State Route Number: 5945**

From:                      Jeffries Wy., (Rt. 5842)

To:                      Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 10/1/2004 with the Office Of Clerk To Circuit Court in Pb. 148, Pg. 22,  
with a width of 44 feet

- **Jeffries Place, State Route Number: 5945**

From:                      Jeffries Wy., (Rt. 5842)

To:                      Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 10/1/2004 with the Office Of Clerk To Circuit Court in Pb. 148, Pg. 22,  
with a width of 44 feet

Ayes:              Barber, King, and Warren.  
Nays:              None.  
Absent:            Miller and Humphrey.

**8.B.11.    AUTHORIZE A SIX-MONTH EMERGENCY EXTENSION OF THE**  
**EXISTING LEASE BETWEEN THE COUNTY AND THE**  
**RICHMOND AREA ASSOCIATION OF RETARDED CITIZENS**  
**FOR THE OPERATION OF CAMP BAKER**

On motion of Mr. King, and seconded by Mr. Warren, the Board authorized a six-month emergency lease extension between the county and the Richmond Area Association of Retarded Citizens for the operation of Camp Baker.

Ayes:              Barber, King, and Warren.  
Nays:              None.  
Absent:            Miller and Humphrey.

**8.B.12. PURCHASE OF A PARCEL OF LAND FROM RANDOLPH AND JULIA CAMPBELL**

On motion of Mr. King, and seconded by Mr. Warren, the Board authorized the purchase of the parcel of land located at 4356 Ketcham Drive from Randolph and Julia Campbell, at the cost of \$161,500 as part of the settlement of a claim to the county resulting from a sewer backup at the home.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

**8.B.13. REQUEST TO QUITCLAIM A PORTION OF A FIFTY-FOOT INGRESS/EGRESS EASEMENT ACROSS THE PROPERTY OF LIFESTYLE HOMES AT IVYSTONE, LLC**

On motion of Mr. King, and seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a fifty-foot ingress/egress easement across the property of Lifestyle Homes at Ivystone, LLC. (It is noted a copy of the plat is filed with the papers of the Board.)

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

**8.B.14. TRANSFER OF DISTRICT IMPROVEMENT FUNDS FROM THE BERMUDA DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO PAY THE COST OF RENTING A TENT AND CHAIRS AND LABOR CHARGES FOR STAFFING AND CLEANING THE COMMUNITY BUILDING USED AT THE VETERAN'S DAY CEREMONY AT BENSLEY PARK**

On motion of Mr. King, seconded by Mr. Warren, the Board transferred \$277 from the Bermuda District Improvement Fund to the Parks and Recreation Department to pay the cost of renting a tent and chairs and labor charges for staffing and cleaning the Community Building used at the Veteran's Day ceremony at Bensley Park.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

**8.B.15. ACCEPTANCE OF PARCELS OF LAND**

**8.B.15.a. ACCEPTANCE OF A PARCEL OF LAND ADJACENT TO MEADOWVILLE TECHNOLOGY PARK**

On motion of Mr. King, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 150 acres, more or less, adjacent to the Meadowville Technology Park from Meadowville, LLC, and authorized the County Administrator to execute the deed, subject to required approvals. (It is noted a copy of the plat is filed with the papers of this Board.)

Mr. King stated that this acceptance of land will assist in creating a conservation area.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

**8.B.15.b. ACCEPTANCE OF PARCELS OF LAND FOR MEADOWVILLE TECHNOLOGY PARK**

On motion of Mr. King, seconded by Warren, the Board accepted the conveyance of parcels of land containing 20 acres, more or less, for Meadowville Technology Park, from Charles C. Moore, Trustee, and authorized the County Administrator to execute the deed, subject to required approvals. (It is noted a copy of the plat is filed with the papers of this Board.)

Mr. King stated that this acceptance of land will assist in creating a conservation area.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

**8.B.16. APPROVAL OF AMENDMENT NUMBER TWO TO CHESTERFIELD COUNTY RETIREMENT PLAN**

On motion of Mr. King, seconded by Mr. Warren, the Board approved Amendment Number Two to the Chesterfield County Retirement Plan.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

**8.B.17. AMENDMENT TO THE PARCEL LISTING FOR THE BOARD OF SUPERVISORS INITIATED REZONING OF THE 288 CORRIDOR INCLUDED IN THE AGENDA ITEM OF MAY 25, 2005 AND THE SUBSEQUENT ITEMS ON AUGUST 24, 2005, OCTOBER 26, 2005, AND NOVEMBER 22, 2005**

On motion of Mr. King, seconded by Mr. Warren, the Board approved the amendment to the parcel listing for the Board of Supervisors initiated rezoning of the 288 Corridor included in the agenda item of May 25, 2005 and the subsequent items on August 24, 2005, October 26, 2005, and November 22, 2005, by adding parcel number 715-710-0250 and removing parcel number 714-709-2446.

And further, the Board suspended any further action to amend the parcel listing that will be included in the zoning case.

Ayes: Barber, King, and Warren.

Nays: None.

Absent: Miller and Humphrey.

Mrs. Humphrey and Mr. Miller returned to the meeting.

The following item was removed from the Consent Agenda for Board discussion:

**8.B.4. SUPPORT OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S  
REQUEST TO AWARD THE BON AIR SIDEWALK AND STREETLIGHT  
PROJECT CONTRACT**

Mr. Warren requested this item be brought before the Board due to the cost of the project.

Discussion ensued regarding this project.

Mr. McCracken addressed the Board regarding the history and costs of this project.

On motion of Mr. Barber, and seconded by Mrs. Humphrey, the Board supported the Virginia Department of Transportation's (VDOT) award of the Bon Air Sidewalk and Streetlight project contract and allocation of additional funds to the project.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS**

There were no hearings of citizens on unscheduled matters or claims at this time.

**10. REPORTS**

**10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS**

**10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE  
FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT  
FUNDS AND LEASE PURCHASES**

**10.C. REPORT OF PLANNING COMMISSION SUBSTANTIAL ACCORD  
DETERMINATION ON CHESTERFIELD COUNTY PUBLIC  
LIBRARIES: MEADOWDALE LIBRARY EXPANSION (CASE  
06PD0201)**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted a Report on Developer Water and Sewer Contracts; a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and a Report on Planning Commission Substantial Accord determination on Chesterfield County Public Libraries: Meadowdale Library expansion (Case 06PD0201).

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber requested to move Item 11., Closed Session to be heard after the Public Hearings in the evening session.

**12. DINNER**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board recessed to the Administration Building, Room 502 for dinner.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Reconvening:

**13. INVOCATION**

Reverend Charles Thompson, Pastor, Trinity Church of the Nazarene gave the invocation.

**14. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Girl Scout Sara Rose led the Pledge of Allegiance to the flag of the United States of America.

**15. RESOLUTIONS AND SPECIAL RECOGNITIONS**

**15.A. RECOGNIZING GIRLS SCOUTS UPON ATTAINING THE GOLD AWARD**

**15.A.1. MS. CATHERINE MEADOR, CLOVER HILL DISTRICT**

**15.A.2. MS. JULIE MITCHELL, CLOVER HILL DISTRICT**

**15.A.3. MS. CAROLYN POWELL, CLOVER HILL DISTRICT**

**15.A.4. MS. SARA ROSE, MIDLOTHIAN DISTRICT**

Mr. Hammer introduced Ms. Catherine Meador, Ms. Julie Mitchell, and Ms. Sara Rose, who were present to receive resolutions.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Girl Scouts of the United States of America is an organization serving over 2.6 million girls and was founded to promote citizenship training and personal development; and

WHEREAS, after earning four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and designing and implementing a Girl Scout Gold Award project; and

WHEREAS, the Gold Award is the highest achievement award in Girl Scouting and symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development; and

WHEREAS, the Girl Scout Award can only be earned by girls aged 14-17 or in grades 9-12 and is received by less than six percent of those individuals entering the Girl Scouting movement; and

WHEREAS, Ms. Catherine Leigh Meador, Ms. Julie Kathleen Mitchell, Ms. Carolyn Marie Powell and Ms. Sara Elizabeth Rose, all of Troop 3004, sponsored by Saint Mark's United Methodist Church, have accomplished these high standards and have been honored with the Girl Scouts of America Gold Award by the Commonwealth Girl Scout Council of Virginia; and

WHEREAS, growing through their experiences in Girl Scouting, learning the lessons of responsible citizenship, and priding themselves on the great accomplishments of their country, Catherine, Julie, Carolyn and Sara are indeed members of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of December 2005, publicly recognizes Ms. Catherine Leigh Meador, Ms. Julie Kathleen Mitchell, Ms. Carolyn Marie Powell and Ms. Sara Elizabeth Rose, extends congratulations on their attainment of the Gold Award and acknowledges the good fortune of the county to have such outstanding young women as its citizens.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber and Mr. Warren presented the executed resolutions and patches to Ms. Meador, Ms. Mitchell, and Ms. Rose, accompanied by members of their family, congratulated them on their outstanding achievement, and wished them well in their future endeavors.

Ms. Meador, Ms. Mitchell, and Ms. Rose provided details of their service project and thanked those who have supported them throughout their scouting experience.

(It is noted Ms. Powell was unable to attend the meeting, but Mrs. Mitchell, Troop Leader, accepted the resolution on her behalf.)

**15.C. RECOGNIZING MR. C. RICHARD SCALES FOR HIS  
SERVICE ON THE CHESTERFIELD COMMUNITY SERVICES  
BOARD**

Mr. Braunstein introduced Mr. C. Richard Scales who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. C. Richard Scales, Jr., representing the Clover Hill Magisterial District, has served as a dedicated and faithful member of the Chesterfield County Community Services Board since his appointment by the Board of Supervisors in January 1997; and

WHEREAS, during his term as a member of the Chesterfield County Community Services Board, Mr. Scales has served with distinction as a member of the Finance Committee, the Consumer Affairs Committee, and the Executive Committee and Chair of the Board in 2002 and 2003; and

WHEREAS, Mr. Scales provided the leadership and support needed as the Chesterfield County Community Services Board initiated the Chester House project; and

WHEREAS, Mr. Scales provided the Chesterfield County Community Services Board with strong, effective leadership during its restructuring to align with the strategic plan; and



WHEREAS, Mr. Scales successfully advocated with County leaders for increased support for the Chesterfield County Community Services Board; and

WHEREAS, Mr. Scales has been an active volunteer and concerned citizen of Chesterfield County, serving in numerous leadership capacities, such as the Richmond Association of Life Underwriters, was recognized by the Life of Virginia President's Roundtable on five occasions, and was a three-time recipient of the National Quality Award; and

WHEREAS, Mr. Scales is acknowledged locally for his dedication and genuine concern for persons with mental disabilities.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of December 2005, publicly expresses its sincere appreciation to Mr. Richard Scales, Jr. for his continuing efforts to enhance the quality mental health, mental retardation and substance abuse services provided for citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. Scales, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Scales and expressed appreciation for his continuing efforts to enhance the quality mental health, mental retardation and substance abuse services provided for citizens of Chesterfield County.

Mr. Scales expressed his appreciation for the opportunity to serve on such a worthwhile board.

**15.B. RECOGNIZING HANG TIME PARTICIPANTS FOR THEIR AREA BEAUTIFICATION EFFORTS**

Mr. Golden introduced Hang Time participants, who were present to receive resolutions for their area beautification efforts.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Hang Time Program is an after-school program for youth between the ages of 8 and 14, which takes place at the Bensley Community Building; and

WHEREAS, the participants in this program have conducted numerous special events which have had a positive impact in Chesterfield County; and

WHEREAS, Hang Time participants have provided tremendous assistance in the James River Cleanup and Adopt-A-Highway Programs; and

WHEREAS, their outstanding volunteer work with the Bensley Community Building's Annual Easter Egg Hunt, Family

Fun Day, Band Fest, and Family Fright Night should be commended; and

WHEREAS, their enthusiasm and energy has led to fundraising efforts to help defray the cost of many of their own field trips and special events; and

WHEREAS, the team members include: Shannon Bitner, Patrice Daye, Tameka Daye, Brittany Duncan, Chad Duncan, Bobby Earnheardt, Stephen Eldred, Kevin Garcia, Iain Henderson, Alphonso Hicks, Frankie Hinson, Matthew Isaacs, Keyana Jennings, Jeff Jones, Trevor Klebert, Kandace Layton, Gerald McCoy, Haley Reamy, Ray Robles, Manual Romero, Shelby Valentine, Lamar Williams, Tiondra Williams and Cindy Zuleta, with leadership from Aaron Clay, Violet Ellis, Ronnie Pearson, Mark Pinney, and David Potter.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of December 2005, publicly recognizes the Hang Time Program participants for their outstanding community service efforts and their commitment to excellence and offers best wishes for continued success of the program.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. King presented the executed resolutions to the Hang Time participants and commended them for adopting Drewery's Bluff Road, which they clean once a month, and wished them well in their future endeavors.

Mr. Barber recognized Mr. Charles Bachelor with the Chesterfield Observer. He will be covering issues in Chesterfield County along with Greg Pearson. Mr. Bachelor stated he is very proud to be part of the Chesterfield Observer and is looking forward to covering the county.

#### Special Recognitions

Mr. Barber recognized Mr. Rudy Butler. He has served on the Goochland Board of Supervisors for a number of years and is President of the Board of Directors for the Virginia Association of Counties (VACo).

Mr. Butler expressed his appreciation to Mr. Warren who serves on the VACo Board. He spoke about issues facing VACo and localities in Virginia. He commended Mr. Stith for his work on the 2007 National Association of Counties Conference to be held in the Metro Richmond area.

Mr. Barber stated his concerns about the publicity that the county has received regarding board procedures. He requested Mr. Ramsey to review the board procedures and bring back recommendations for modifications to the Board.

**16. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING  
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE  
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE  
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO  
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT  
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION  
WILL BE HEARD AT SECTION 18**

**05SN0334**

In Midlothian Magisterial District, ROBIOUS INVESTMENTS LLC requests amendment to Conditional Use Planned Development (Case 02SN0131) and amendment of zoning district map relative to garage door orientation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) dwelling per acre or less. This request lies in a Residential (R-25) District on 381 acres lying approximately 1,950 feet off the north line of Robious Road approximately 820 feet west of Ellesmere Drive. Tax ID 734-724-5830 (Sheet 2).

Mr. Turner stated the applicant has withdrawn Case 05SN0334 from consideration.

On motion of Mr. Barber, seconded by Mr. Miller, the Board acknowledged withdrawal of Case 05SN0334.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**05SN0327**

In Dale Magisterial District, FINER HOMES, INC. requests Conditional Use Planned Development and amendment of zoning district map to allow a public road in an Agricultural (A) District on 15.0 acres and offering proffered conditions on 52.0 acres currently zoned R-7. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on a total of 67.0 acres which fronts the west line of Salem Church Road at Old Salem Church Road, also fronting on the north line of Kingsland Road west of Salem Church Road. Tax IDs 776-673-3159, 777-674-9052 and 778-674-3326 (Sheets 17 and 18).

Mr. Turner presented a summary of Case 05SN0327 and stated that the Planning Commission and staff recommended approval subject to the thirteen proffered conditions.

Mr. Miller stated he has represented a client that holds property in connection with this project, declared a conflict of interest under the Virginia Conflict of Interest Act regarding this request, and excused himself from the meeting.

Mr. Andy Scherzer, representing the applicant, stated the conditions are acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mr. Barber then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0327 and accept the proffered conditions.

1. In conjunction with the recordation of the initial subdivision plat, a public access easement, of approximately thirty (30) feet in width along Reedy Branch Creek, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. The exact location and width of this easement shall be approved by the Parks and Recreation Department. (P & R)
2. Direct access from the property to Salem Church Road shall be limited to one (1) public road. The exact location of this public road shall be approved by the Transportation Department. Direct access from the property to Kingsland Road shall be limited to one (1) public road that aligns the existing stub road right-of-way (shown as Canberra Drive on the subdivision plat for Windermere, Section A dated February 25, 1970) located between the parcels identified as Tax ID 775-673-8918 and Tax ID 776-673-1112. (T)
3. In conjunction with recordation of the initial subdivision plat, thirty-five (35) feet of right-of-way along Salem Church Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. The developer shall be responsible for:
  - a. Construction of left and right turn lanes along Salem Church Road and Kingsland Road at each approved public road intersection, based on Transportation Department standards; and,
  - b. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for these improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 12, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
5. Prior to tentative subdivision plan approval, a phasing plan for the improvements identified in Proffered Condition 3 shall be submitted to and approved by the Transportation Department (T).

**THE FOLLOWING PROFFERED CONDITIONS SHALL BE APPLICABLE TO  
GPIN 777-674-9052 AND 778-674-3738.**

6. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
7. Direct access from the property to Salem Church Road shall be limited to one (1) public road (the "Public Road"). The exact location of the Public Road shall be approved by the Transportation Department. (T)
8. In conjunction with development of the initial section that accesses the Public Road, the developer shall be responsible for construction of additional pavement along Salem Church Road at the approved access to provide left and right turn lanes, and dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for these improvements. (T)
9. The property shall not be subdivided, nor shall any residential units be permitted on such property. (P)

**THE FOLLOWING PROFFERED CONDITIONS SHALL BE APPLICABLE ONLY  
TO GPIN 776-673-3159.**

10. The minimum gross floor area for each new dwelling unit shall be 1800 square feet. A maximum of thirty (30) homes shall be permitted to have a gross floor area of less than 2,000 square feet. (BI & P)
11. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
12. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
  - A) Proposed Declaration of Protective Covenants:
    1. No lot shall be used except for residential purposes. No business uses (profit or non-profit) including home occupations shall be conducted on the premises. Home occupations may be permitted if approved by the Homeowners' Association.
    2. No improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and

describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.

3. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
4. In considering requests for approval of fences and hedges, the following general guidelines will be applied:
  - a. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).
  - b. No fence or hedge shall generally be permitted higher than 42 inches of any Lot.
  - c. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
5. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
6. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
7. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.

8. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph 2.
9. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.
10. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
11. Unless prohibited by law, no trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant. This condition shall not preclude the removal of vegetation that is unhealthy, dying, or diseased.
12. No portable air conditioner units will be placed in any window of a dwelling or other building if visible from a public street.
13. Except as permitted by applicable law, no exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building.
14. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph 2.
15. Any one or more of the covenants or restrictions imposed by paragraphs 1 through 14 above may be waived or modified, in whole or in part, as to the entire Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.
16. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
17. Invalidation of any one of the provisions of these restrictions by judgment, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.

18. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
19. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
20. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.
21. Declarant, as owner of all of the Property subjected to the Declaration, shall, at such time as it deems appropriate, cause to be incorporated under the laws of the Commonwealth of Virginia a non profit corporation to be named "Bendahl Valley Homeowner's Association" or a similar name (the "Association").
22. All Owners shall be members ("Members") of the Association and shall be entitled to one (1) vote, per each Lot owned by them (provided, however, that if a Lot is owned by more than one owner, the owners of such Lot shall be entitled to only one vote between them), on all matters which are required to be decided by a vote of the Members of the Association.
23. The Members shall annually elect a five (5) member board of directors (the "Board of Directors") which shall be responsible for



operating the Association, provided, however, that until such time as eighty-five percent (85%) of the Lots are owned by persons other than builders of the Declarant, the Board of Directors shall consist of five (5) directors all of whom shall be selected by the Declarant.

24. Each year the Board of Directors shall prepare an annual budget (the "Budget") containing an itemization of the expenses, which it anticipates, the Association will incur during the upcoming year to fulfill its responsibilities hereunder. The Budget shall be sent to each owner together with a notice of assessment (the "Annual Assessment") for the owner's pro rata share of the budget, which shall be computed by dividing the total Budget by the number of Lots. Upon receipt of the Annual Assessment, each Owner shall be required to make payment of the same in the manner designated by the Board of Directors.
25. In addition to any Annual Assessments, the Association may levy in any assessment year a special assessment (the "Special Assessment") applicable to that year only for the purpose of defraying in whole or in part the cost of any reconstruction, unexpected repair, or replacement of a capital improvement, including the necessary fixtures and personal property related thereto, provided that any such Special Assessment shall have the consent of the Owners of two-thirds (2/3) of the lots.
26. Any Annual Assessment or Special Assessment (the "Assessments") which is not paid by an Owner within such time as shall be determined by the Board of Directors shall bear interest at a rate per annum determined by the Board of Directors from such date until paid and shall constitute a lien upon the Lot owned by such Member. Such lien shall have priority over all other liens including, without limitation, mortgages, deeds of trust, or any other lien hereafter placed upon any Lot, except a first mortgage of deed of trust securing a loan by a bona fide institutional lender to which such lien shall be subordinate. No Owner may waive or escape liability for the assessments hereunder for any reason. No sale or other transfer shall relieve any owner from liability for any Assessments due nor any Lot from the lien of any Assessments. The amount of any such lien may be enforced by suit or otherwise at the election of the Association and the Owner shall be required to reimburse the Association for all attorneys' fees and expenses incurred in so doing, the amount of which shall also constitute a lien on the Lot as herein provided. Notwithstanding the above, a party who acquires title to a Lot by virtue of the foreclosure of lien secured by a first

mortgage of deed of trust to which this lien is subordinate or by a deed or assignment in lieu of foreclosure any liability of lien chargeable to such Lot on account of any period of time prior to such acquisition of title. Said acquiring party shall, however, be bound by the provisions of this Declaration including, without limitation, Assessments effective after said acquisition of title.

27. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants. (P)

13. Manufactured homes shall not be permitted. (P)

Ayes: Barber, King, Humphrey, and Warren.

Nays: None.

Absent: Miller.

Mr. Miller returned to meeting.

#### **06SN0105**

In Matoaca Magisterial District, BAYHILL DEVELOPMENT requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 20.0 acres lying approximately 1,120 feet east of the intersection of Battlecreek and Hollow Oak Drives. Tax ID 740-668-4013 (Sheet 16).

Mr. Turner presented a summary of Case 06SN0105 and stated that the Planning Commission and staff recommended approval and acceptance of the seven proffered conditions.

Mr. Delmonte Lewis, representing the applicant, stated the conditions are acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to approve Case 06SN0105 and accept the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 740-668-4013 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 as set forth in the application filed herewith is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall

be immediately null and void and of no further force or effect.

1. Public wastewater system shall be used. (U)
2. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit, for infrastructure improvements within the service district for the property:
  - a. \$15,600 per dwelling unit, if paid prior to July 1, 2006; or
  - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
  - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted bylaw. (B&M)
4. All dwelling units shall have a minimum gross floor area of 1,700 square feet except for dwelling units with more than one story which shall have a minimum gross floor area of 2,000 square feet. (P)
5. The minimum lot area shall be 15,000 square feet and the average lot size shall not be less than 19,910 square feet. (P)
6. No more than thirty-six (36) lots shall be developed on the subject property. (P)
7.
  - a. In conjunction with the recordation of the initial subdivision plat, seventy (70) feet of right-of-way through the property for the east/west collector ("Battlecreek Drive Extended") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department.
  - b. There shall be no direct access from the property to Battlecreek Drive Extended.
  - c. In conjunction with the development of the initial section, the developer shall be responsible for construction of two (2) lanes of Battlecreek Drive Extended through the property to VDOT Urban Collector (40 mph) standards and dedication, free and unrestricted to and for the benefit of

Chesterfield County, of any additional right-of-way (or easements) required for this improvement. (T)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

#### **06SN0106**

In Matoaca Magisterial District, BAYHILL DEVELOPMENT requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 57.1 acres lying approximately 1,250 feet west of the intersection of Buffalo Springs and Buffalo Nickel Drives. Tax ID 735-668-6633 (Sheet 16).

Mr. Turner presented a summary of Case 06SN0106 and stated that the Planning Commission, and staff recommended approval and acceptance of the six proffered conditions.

Mr. Delmonte Lewis, representing the applicant, stated the conditions are acceptable.

Mr. Barber called for public comment.

No one came forward to speak.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to approve Case 06SN0106 and accept the following proffered conditions.

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 735-668-6633 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 as set forth in the application filed herewith is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Public wastewater system shall be used. (U)
2. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. The applicant, subdivider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit, for infrastructure improvements within the service district for the property:

- a. \$15,600 per dwelling unit, if paid prior to July 1, 2006: or
  - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
  - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (BM)
- 4. All dwelling units shall have a minimum gross floor area of 1,700 square feet except for dwelling units with more than one story which shall have a minimum gross floor area of 2,000 square feet. (BI & P)
  - 5. The minimum lot area shall be 15,000 square feet and the average lot size shall not be less than 17,000 square feet. (P)
  - 6. No more than 125 lots shall be developed on the subject property. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

## **17. PUBLIC HEARINGS**

### **17.A. TO CONSIDER THE RESTRICTION OF THROUGH TRUCK TRAFFIC ON BELLBROOK DRIVE**

Mr. McCracken stated that this date and time has been advertised for a public hearing for the Board to consider the restriction of through truck traffic on Bellbrook Drive from Conifer Road to Hopkins Road.

Mr. Barber called for public comment.

Ms. Andrea Epps stated her concerns regarding the county going into the road building business and supports the through truck traffic on Bellbrook Drive.

There being no one else to speak to the item, the public hearing was closed.

Mr. Miller then made a motion, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Chesterfield County Board of Supervisors received a request to restrict any through truck or truck and trailer or semi-trailer combination except pickup or panel trucks from using Bellbrook Drive between Conifer Road and Hopkins Road; and

WHEREAS, the recommended alternate route is Conifer Road, Beulah Road, and Hopkins Road; and

WHEREAS, the Board has conducted a public hearing on the restriction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors requests the Virginia Department of Transportation to restrict through truck traffic on Bellbrook Drive between Conifer Road and Hopkins Road.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**17.B. TO CONSIDER ADOPTION OF AN ORDINANCE CREATING  
A NEW BUSINESS LICENSE TAX CATEGORY FOR  
COMPUTER SERVICE BUSINESSES AND ESTABLISHING  
A TAX RATE OF \$.03 PER \$100 OF GROSS RECEIPTS**

Mr. Micas stated that this date and time has been advertised for a public hearing to consider an ordinance which would allow the Board to create a new business license tax category for computer service businesses and establishing a tax rate of \$.03 per \$100 of gross receipts.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

Mr. Miller then made a motion, seconded by Mrs. Humphrey, for the Board to adopt the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY  
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING  
AND RE-ENACTING SECTIONS 6-1 AND 6-30  
RELATING TO THE BUSINESS LICENSE TAXATION OF  
COMPUTER SERVICE BUSINESSES AND SETTING A TAX RATE

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 6-1 and 6-30 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

**Section 6-1. Definitions.**

For the purposes of this chapter, the following terms shall have the following meanings, unless the context requires a different meaning:

o o o

Computer service means a business that provides computer programming, data processing, data base management, storage and retrieval of electronic information, maintenance and development of computer and computer-related automated systems, network services and support, computer security and support, technical support including help-desk and troubleshooting services.

Personal and business services means services other than repair, professional, financial or real estate services rendered for compensation either upon or for businesses, professions, persons, animals, or personal effects, including all activities not otherwise subject to licensure pursuant to other provisions of this chapter, and includes, but is not limited to, the following businesses:

Accountants (except certified public accountants)

Advertising agents and agencies

Airports (including, but not limited to, tie-down fees, charter services, and flying lessons)

Ambulance service

Analytical laboratories

Appraisal or evaluation of personal property or damage to the same

Artist's representatives

Auctioneers

Auditors

Automatic washing machines (renting or furnishing)

Barbershops

Beauty parlors

Billiard or pool parlors

Boarder or keeper of horses or mules

Boat landings or boat basins

Bondsmen

Booking agents or concert managers

Bookkeepers

Bowling alleys

Business research services

Cable TV or sound track music

Canvassers

Caterers

Check cashing establishment

Chemists

Claims adjusters

Cleaner of motor vehicles

Cleaner of chimneys

Cleaner of furnaces

Cleaner of the outside of buildings

Cleaner of windows

Cogeneration business (based only on gross receipts from capacity payments)

Collection agents or agencies

Commercial or graphic artists

Conductor of funerals  
Consulting service  
Court reporters or stenographers  
Credit bureaus  
Day care service  
Detective service  
Dry cleaning  
Electrolysis  
Embalmers  
Furnisher of clean diapers  
Furnisher of clean linen, towels, work clothes, coats, aprons, etc.  
Furnisher of domestic or clerical help, labor, or employment  
Geologists  
Golf courses  
Golf driving ranges  
Homes for the elderly  
Hospitals  
Hotels  
House cleaning services  
Impoundment lots  
Interior decorators  
Janitorial services  
Kennels  
Letter writing  
Locksmiths  
Manicurists  
Massage therapists and massage clinic operators  
Merchandise brokers  
Messenger services  
Miniature golf courses  
Motels  
Motion picture theaters  
Nurses' registries  
Nursing homes  
Packing, crating, shipping, cutting, hauling, or moving goods or chattels for others



Parking lots for the storage of vehicles or other personal property

Passenger motor bus terminals

Passenger motor vehicles for hire with chauffeur

Pawnbrokers and pawnshops (for lending services only)

Photographers

Physicians' registries

Picture framing or gilding

Plating metals or any other materials

Preparing bodies for burial

Press clipping services

Professional athletes (e.g., bowlers, fishermen, golfers, race car owners and drivers, tennis pros, etc.)

Protective agents or agencies

Public motor rinks (go-cart or motorcycle)

Public pools or baths (for admission charges, membership fees, and dues)

Public relations or publicity services

Public skating rinks

Pumping out or otherwise emptying septic tanks

Reducing salons or health clubs

Refuse service (hauling)

Renting any kind of personal property (except certified short-term rental property as defined in chapter 9)

Renting or furnishing horses or ponies for riding within a limited area, field, park or other enclosure

Sanitariums

Small animal hospitals (for grooming, boarding, laboratory services, administration of drugs, and cremation services only, and excluding radiography, vaccinations, and euthanasia)

Statistical services

Tattoo artists

Tax preparation services (when not performed by a certified public accountant)

Taxidermists

Telephone answering services

Theaters

Ticket, transportation, travel, and tour agents or brokers

Towing motor vehicles

Undertakers

Warehouses for the storage of any personal property or inventory

Zoos

o o o

**Section 6-30. Miscellaneous Services.**

o o o

(f) Every person engaged in a computer service business shall pay a license tax of \$0.03 per \$100.00.

(2) That this ordinance shall become effective January 1, 2006.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**17.C. TO CONSIDER THE TAX EXEMPTION REQUEST OF THE EPPINGTON FOUNDATION**

Mr. Micas stated that this date and time has been advertised for a public hearing to consider the tax exemption request of The Eppington Foundation. Eppington Plantation is a qualifying organization which has made a tax exemption request this year. They are seeking the exemption for 62.3 acres of real property which they acquired this year and which is approximately 500 feet northwest of The Eppington Foundation (Property Tax ID No. 706634255500000.)

Mr. Warren requested clarification whether this was related to the Moody property. It was clarified that this was not related to the Moody property.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

Mrs. Humphrey then made a motion, seconded by Mr. Barber, for the Board to approve the tax exemption request of The Eppington Foundation Chesterfield by adopting the following ordinance:

**AN ORDINANCE TO DESIGNATE THE REAL AND  
PERSONAL PROPERTY OF EPPINGTON FOUNDATION  
TO BE EXEMPT FROM PROPERTY TAXATION**

WHEREAS, subsection 6(A)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, authorizes localities to designate as exempt from local taxation the real or personal property, or both, owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the County has received a request from the Eppington Foundation to consider granting it a tax exemption for a specific piece of real property owned by it in Chesterfield County and described as County Property Tax Parcel ID No. 706634255500000; and

WHEREAS, in accordance with Va. Code, §58.1-3651 the Board has conducted a public hearing and considered each of the questions required to be considered before adopting an ordinance granting any such exemption; and

WHEREAS, the Board has determined that the Eppington Foundation meets the requirement for the real property tax exemption that it has requested by reason of its being a non-profit organization which uses the real property for which it is requesting the exemption for historical purposes.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

1. The Eppington Foundation is hereby designated a historical organization within the context of Section 6(A)(6) of Article X of the Constitution of Virginia.

2. The real property located in Chesterfield County owned by the Eppington Foundation and described as County Property Tax Parcel ID No. 706634255500000 is used by such organization exclusively for historical purposes on a non-profit basis as set forth in Section 1 of this ordinance and is hereby determined to be exempt from local taxation. This exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is designated as exempt in Section 1.

3. This real property tax exemption shall be effective as of January 1, 2006.

4. This ordinance shall not be set out in the County Code but shall be kept on file in the offices of the real estate assessor and commissioner of revenue.

5. This ordinance shall be in effect immediately upon its adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

17.D. TO CONSIDER AN ORDINANCE TO AMEND THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF CHESTERFIELD TO THE ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF CHESTERFIELD

Mr. Stith stated that this date and time has been advertised for a public hearing to consider an ordinance to amend the name of the Industrial Development Authority of the County of Chesterfield to the Economic Development Authority of the County of Chesterfield.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

Mr. Barber then made a motion, seconded by Mrs. Humphrey, for the Board to amend the name of the Industrial Development Authority of the County of Chesterfield to the Economic Development Authority of the County of Chesterfield by adopting the following ordinance:

ORDINANCE TO CHANGE THE NAME  
OF THE INDUSTRIAL DEVELOPMENT AUTHORITY  
OF THE COUNTY OF CHESTERFIELD

WHEREAS, by ordinance adopted December 2, 1968, the Board of Supervisors of the County of Chesterfield created a political subdivision of the Commonwealth named the Industrial Development Authority of the County of Chesterfield (the "Authority") pursuant to the predecessor provisions of the Industrial Development and Revenue Bond Act (Chapter 49, Title 15.2, Code of Virginia of 1950, as amended) (the "Act"); and

WHEREAS, the Board of Supervisors of the County of Chesterfield desires to change the name of the Authority as permitted by Section 15.2-4903(C) of the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD:

1. The name of the Authority is hereby changed from the Industrial Development Authority of the County of Chesterfield to the Economic Development Authority of the County of Chesterfield.

2. This ordinance shall be in full force and effect from and after its passage as prescribed by law.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**17.E. TO CONSIDER AN ORDINANCE TO VACATE PORTIONS  
OF LOTS 6 AND 7 WITHIN RIVERMONT ANNEX  
SUBDIVISION**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate portions of lots 6 and 7, within Rivermont Annex Subdivision.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. King, seconded by Mr. Miller, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to CHARLOTTE RICKMAN SMITH, JOYCE RICKMAN INGRAM, SHERI RICKMAN BERRY, RICHIE EARL RICKMAN, JR. ROBERT LEE BURTON, JR., CHRISTA SHAWAN COLE, TRAVERSE LAYNE COLE, Heirs of ELLA JAMES RICKMAN, ("GRANTEE"), a portion of Lots 6 and 7 within Rivermont Annex Subdivision, BERMUDA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded

in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 5, at Page 107.

WHEREAS, RICHIE EARL RICKMAN, JR., petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of Lots 6 and 7, Rivermont Annex Subdivision, BERMUDA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 5, Page 107, by CLODFELDER & SCHISLER, dated NOVEMBER 12, 1932. The Lots petitioned to be vacated are more fully described as follows:

A portion of Lots 6 and 7 within Rivermont Annex Subdivision, the location of which is more fully shown on a plat made by MARK D. MCGONIOGIE, dated OCTOBER 7, 2005, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of lots sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of lots be and are hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of Lots 6 and 7, Rivermont Annex Subdivision hereby vacated in the underlying owners, free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and CHARLOTTE RICKMAN SMITH, JOYCE RICKMAN INGRAM, SHERI RICKMAN BERRY, RICHIE EARL RICKMAN, JR. ROBERT LEE BURTON, JR., CHRISTA SHAWAN COLE, TRAVERSE LAYNE COLE, Heirs of ELLA JAMES RICKMAN, or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**17.F.      TO DECLARE VACANT/ABANDONED DILAPIDATED STRUCTURES  
AT 11230 ROBIOUS ROAD BLIGHTED**

Mr. Dupler stated this date and time has been advertised for a public hearing for the Board to declare vacant/abandoned dilapidated structures at 11230 Robious Road blighted and authorize expenditure of county funds to demolish the structure on this property. He made a brief presentation regarding the issue.

Discussion ensued by Board members regarding this matter.

Mr. Barber called for public comment.

No one came forward to speak to the item.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board declared vacant/abandoned dilapidated structures at 11230 Robious Road blighted, determined that demolition was the appropriate remedy authorizing expenditure of county funds to demolish the structures on this property, and deferred administrative action to remove the structures for sixty days.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**17.G.      TO CONSIDER CONVEYANCE OF RIGHT OF WAY TO THE  
COMMONWEALTH OF VIRGINIA ALONG BAILEY BRIDGE ROAD**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the conveyance of right of way to the Commonwealth of Virginia along Bailey Bridge Road for the Bailey Bridge Widening Project.

Mrs. Humphrey requested clarification regarding a fencing issue.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved the conveyance of 0.2303<sup>+</sup> acres to the Commonwealth of Virginia along Bailey Bridge Road and authorized the Chairman of the Board and County Administrator to sign the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**11.      CLOSED SESSION PURSUANT TO § 2.2-3711(A)(1), CODE OF  
VIRGINIA, 1950, AS AMENDED, RELATING TO THE PERFORMANCE  
OF A SPECIFIC EMPLOYEE OF THE COUNTY**

On motion of Mr. Miller, seconded by Mr. Barber, the Board went into Closed Session pursuant to Section 2.2-3711(A)(1), Code of Virginia, 1950, as amended, relating to the performance of a specific employee of the county.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Reconvening:

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.  
Mr. Miller: Aye.  
Mrs. Humphrey: Aye.  
Mr. King: Aye.  
Mr. Barber: Aye.

#### **19. ADJOURNMENT**

On motion of Mr. Warren, seconded by Mr. Barber, the Board adjourned 8:55 p.m. until January 11, 2006 at 4:00 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

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Lane B. Ramsey  
County Administrator

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Edward B. Barber  
Chairman